IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

WP(C).No. 28740 of 2007(U)

PETITIONER:

P.P.SOUHRUDAN
TARA-29,G.H.ROAD, VANCHIYOOR P.O.,
TRIVANDRUM.

BY ADV. SRI.PRATHEESH.P

RESPONDENTS:

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1. THE VICE CHANCELLOR,
UNIVERSITY OF KERALA
THIRUVANANTHAPURAM.

2. THE REGISTRAR
UNIVERSITY OF KERALA
THIRUVANANTHAPURAM.

R3. R. CHITHRAJAKUMAR, SUB EDITOR, DEPARTMENT OF MALAYALAM LEXICON, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM (IMPLEADED AS PER ORDER IN I.A.NO.13718 OF 2007 DATED 17.10.07)

BY ADV. SRI.M.RAJAGOPALAN NAIR
SRI.N.NANDAKUMARA MENON
SRI.P.K.MANOJKUMAR
SMT.SUSHYA RAJAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.28740/07

EXT.P1: COPY OF THE ORDER OF THE HUMAN RIGHTS COMMISSION DT 23.9.2007.

EXT.P2: COPY OF THE ORDER GIVING ECONOMIC SANCTIUON BY THE GOVERNMENT FOR THE SAID POST DATED 10/01/2007.

EXT.P3: COPY OF APPLICATION FILED BY THE PETITIOENR BEFORE THE 2ND RESPONDENT DATED 7.9.2007.

EXT.P4: COPY OF THE INFORMATION GIVEN BY THE INFORMATION OFFICER DATED 4.9.2007.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)No. 28740 OF 2007

Dated this the 2nd day of November, 2007

JUDGMENT

The petitioner is a Technical Assistant (Higher Grade) in the Department of Malayalam Lexicon under the University of Kerala. The University published notifications in 1989 and 1993 inviting applications for appointment to the post of Assistant Editor. The petitioner now seeks to fill up the vacancy of Assistant Editor in accordance with the notifications already published in 1989 and 1993. In support of his contention the petitioner relies on the undertaking made by the University before the State Human Rights Commission as evidenced by Ext.P1. I am not satisfied that this Court can now direct the respondents to fill up the post pursuant to a notification issued in 1993. More than 14 years have elapsed since the notification in 1993. Several other persons would have become qualified by now for applying to the said post. It is also submitted by the University that the University has taken steps to amend the qualifications prescribed for the post also. That being so, it would be against the fundamental

rights of those who have subsequently become qualified to be considered for the vacancy, especially in the absence of any proof of mala fides on the part of the University.

The learned counsel for the petitioner submits that since he has only 8 more months to retire from service, the University may be directed to complete the fresh proceedings, if any, for selection within a time frame. I am afraid that I cannot do that also. It is for the appointing authority to decide whether or when a post has to be filled up. This Court cannot ordinarily direct the appointing authority to fill up the post within a time frame when that decision is taken bona fide. Therefore, I do not find any merit in the writ petition and accordingly the same is dismissed.

S. SIRI JAGAN, JUDGE

Acd